

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the  
Southern District of TexasUnited States of America  
v.  
John-Joseph Rene DELAGARZA

Case No. C-23-0348M

United States Courts Southern  
District of Texas

FILED

5/5/23

Nathan Ochsner, Clerk of Court

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 3, 2023 in the county of Brooks in theSouthern District of Texas, the defendant(s) violated:

## Code Section

8 United States Code 1324

## Offense Description

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law.

This criminal complaint is based on these facts:

✓ Continued on the attached sheet.



Complainant's signature

Marc Weston, Special Agent

Printed name and title

Submitted by reliable electronic means, sworn to,  
signature attested telephonically per Fed.R.Crim.P.4.1,  
and probable cause found May 5, 2023.

Judge's signature

City and state: Corpus Christi, TX

Mitchel Neurock, U.S. Magistrate Judge

Printed name and title

## **AFFIDAVIT**

### **Probable Cause/Facts:**

On May 3, 2023, at approximately 10:20 pm, a brown 2018 Freightliner tractor truck pulling a gray 2006 tractor trailer approached the U.S. Border Patrol (USBP) Checkpoint near Falfurrias, Texas. The tractor was driven by a subject identified as John-Joseph Rene DELAGARZA (herein referred to as DELAGARZA). At the primary inspection area, Border Patrol Agent (BPA) Padilla began an immigration inspection of DELAGARZA while BPA Salvino utilized his service canine to conduct a free air sniff of the tractor trailer. BPA Salvino advised BPA Padilla that the service canine was alerting to the tractor trailer. DELAGARZA was directed to park the tractor truck and trailer in the secondary inspection area.

At secondary inspection, BPAs conducted a systematic search of the tractor truck and trailer and discovered 22 subjects concealed in the trailer. These 22 subjects were determined to be illegally present in the United States. DELAGARZA and the undocumented individuals (UDIs) were placed under arrest and escorted into the checkpoint for further processing.

### **Miranda Rights Defendant:**

BPAs advised DELAGARZA of his Miranda Rights via CBP form-214 in his preferred language and agreed to provide a statement without the presence of an attorney.

### **Defendant – John-Joseph Rene DELAGARZA Statement:**

DELAGARZA stated he has worked for his company since 1994. DELAGARZA stated between 7:00 and 7:30 pm, that he traveled to his place of work in McAllen, Texas where he picked up the tractor truck. DELAGARZA stated he was scanned by security as he entered the compound. DELAGARZA stated after picking up the tractor truck, he exited the compound and made his way to an ungated, open area near the compound where the tractor trailer was waiting. DELAGARZA described the area as a dark caliche road with trees on either side and little lighting. DELAGARZA stated there were three small tractor trailers along with a few 53-foot tractor trailers parked there. DELAGARZA stated he picked up the first of the three small trailers sitting along the caliche road. DELAGARZA stated he left the area at approximately 9:15 pm with the intention of swapping his trailer out in Refugio, Texas with a co-worker who was coming from Houston, Texas.

DELAGARZA proceeded to ask BPAs if he was under arrest. BPAs reminded DELAGARZA that he was, DELAGARZA then requested the presence of counsel. BPAs proceeded to cease all questioning of DELAGARZA.

BPAs advised the material witnesses of their Miranda Rights via CBP form-214 in their preferred language and agreed to provide statements without the presence of an attorney.

**Material Witness – Jorge David GALVEZ-Claros Statement:**

GALVEZ stated that he illegally entered the United States on or about April 27, 2023. GALVEZ stated he was taken to a stash house in McAllen, Texas. GALVEZ stated approximately 14 of the other UDIs discovered in the tractor trailer with him were at the stash house as well. GALVEZ stated that he was transported to a location where two pickup trucks were waiting for them. GALVEZ stated approximately 20 people were loaded into the two pickup trucks and all were taken to where the tractor trailer was located. GALVEZ stated he and the others were quickly loaded from the pickup trucks and into the trailer. GALVEZ stated the man that closed the trailer door was “fat” and “big” but GALVEZ was not able to see the mans face. GALVEZ stated they were on the road for approximately one hour prior to being apprehended at the checkpoint.

**Material Witness – Ana Elizabeth MEJIA-Murillo Statement:**

MEJIA stated she illegally entered the United States on or about April 20, 2023, on a raft across the river. MEJIA stated she had crossed with family and was going to Louisiana to work. MEJIA stated a vehicle picked her up after crossing the river and took her to a stash house. MEJIA stated she was taken to three houses and that at the third home she was instructed to get into the trailer she was apprehended in. MEJIA stated there were already other subjects in the tractor trailer prior to her entering.

**Material Witness – Nehemias CAR-Estrada Statement:**

CAR stated he entered the United States by raft on April 21, 2023. CAR stated he paid \$60,000 Guatemalan Quetzales (equal to \$7,680 US Dollars) to be smuggled across the border with the intention of going to New Jersey. CAR stated after crossing the border he was instructed to go to a hotel via text message. CAR stated he was picked up at the hotel and taken to a meeting point where he was instructed to get into the tractor trailer. CAR stated as he was getting into the tractor trailer, he noticed a tall, white, and fat male figure wearing shorts (CAR stated he could see the skin color of the male figures leg) was standing next to the back entrance of the tractor trailer. CAR stated the male figure instructed everyone to sit down once they were inside the tractor trailer. CAR stated he went to sleep until being encountered at the checkpoint.

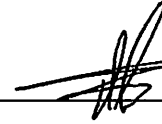
NOTE: DELAGARZA, a lighter complected heavy-set male, can be seen in security footage obtained from the secondary inspection area of the USBP checkpoint wearing a brown short-sleeve shirt and brown shorts at the time of his apprehension.

**Material Witness – Pablo PEREZ Statement:**

PEREZ stated he entered the United States on May 1, 2023. PEREZ stated he paid \$20,000 Guatemalan Quetzales (equal to \$2,560 US Dollars) to be smuggled into the United States with the intention of going to Houston, Texas. PEREZ stated he was instructed to go to a hotel via text message. PEREZ stated he was picked up from this hotel and taken to a meeting point where a tall, white, fat male figure in his mid-thirties wearing a black jacket and blue jeans instructed PEREZ to get into the tractor trailer. PEREZ stated once inside the tractor trailer, he could not get out and the only way to exit was to open the door from the outside.

**Disposition:**

The facts of this case were presented to the Assistant United States Attorney's office, who accepted prosecution of John-Joseph Rene DELAGARZA for violating Title 8 USC 1324, Alien Smuggling. Jorge David GALVEZ-Claros, Ana Elizabeth MEJIA-Murillo, Nehemias CAR-Estrada, and Pablo PEREZ will be held as material witnesses in this case. The additional smuggled UDIs were processed accordingly.



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Marc Weston  
Special Agent  
Homeland Security Investigations

Submitted by reliable electronic means, sworn to,  
signature attested telephonically per Fed.R.Crim.P.4.1,  
and probable cause found May 5, 2023.



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Hon. Mitchel Neurock  
United States Magistrate Judge